REMARKS

This is a full and timely response to the non-final Office Action of July 9, 2008. Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Second Response, claims 24-26, 28-32, 34-40, 42-51 are pending in this application. Claims 24, 25, 31, 34, 35, 36, 38, and 39 are directly amended herein. Further, claims 27, 33, and 41 are canceled, and claims 47-51 are newly added. It is believed that the foregoing amendments add no new matter to the present application.

Response to §102 and §103 Rejections

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, *e.g.*, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

Claim 24

Claim 24 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ringland* (U.S. Patent No. 5,751,829). Claim 24 reads as follows:

> 24. An interior design system for assisting users in designing window treatments, comprising:
>
> memory for storing data defining images of a plurality of window treatment design components and a ***digital photograph of at least a building wall to be decorated***, the digital photograph depicting at least one window within the wall; and
>
> logic configured to receive an input selecting at least one of the window treatment design components and to display the digital photograph, ***the logic further configured to display, based on the input, an image of the at least one window treatment design component such that the image of the at least one window treatment design component is superimposed on the displayed photograph***, wherein the logic is configured to display the digital photograph and the image of the at least one window treatment design component in a workshop of a graphical user interface, the logic further configured to automatically size the

image of the at least one window treatment design component to scale within the workshop based on a dimension value indicative of a dimension for the at least one window treatment design component, and wherein the logic is configured to calculate, based on the dimension value, a cost associated with the at least one window treatment design component, the logic further configured to display a value indicative of the calculated cost. (Emphasis added).

Applicants respectfully assert that the *Ringland* fails to disclose at least the features of claim 24 highlighted above.

In this regard, it is alleged in the Office Action that *Ringland* discloses "a digital photograph of a wall and a window within the wall (See Col. 17, line 61 – Col. 18, line 6)." Applicants respectfully disagree. In this regard, a "photograph" is an image that has been captured by a camera. The cited section of *Ringland* discloses various "room scenes" that can be selected and displayed, but there is nothing in *Ringland* to indicate that any of the "room scenes" have been captured by a camera. In fact, *Ringland* specifically discloses that a user can search the "room scenes to select a room ***most like*** the room to be decorated." Column 17, lines 62-64 (emphasis added). Such a teaching makes it clear that the "room scenes" are not "photographs" of rooms to be decorated but are rather predefined room images. In addition, *Ringland* specifically discloses that the "room scenes" are prepared in advance by "constructing a 'wire frame' model." Column 17, lines 65-66. Thus, the "room scenes" are not "photographs" but rather are apparently digitally constructed images. Accordingly, *Ringland* fails to disclose "memory for storing data defining images of... a digital ***photograph***" and logic configured to "display, based on the input, an image of the at least one window treatment design component such that the image of the at least one window treatment design component is superimposed on the displayed ***photograph***," as recited by claim 24. (Emphasis added).

In addition, the cited art fails to disclose logic that automatically sizes an image of a window treatment design component based on a dimension value indicative of a dimension for the window treatment design component ***and*** that calculates, based on this same dimension value, a

cost associated with the window treatment design component. Thus, the cited art fails to disclose "the logic further configured to automatically size the image of the at least one window treatment design component to scale within the workshop based on a dimension value indicative of a dimension for the at least one window treatment design component, and wherein the logic is configured to calculate, based on the dimension value, a cost associated with the at least one window treatment design component, the logic further configured to display a value indicative of the calculated cost," as recited by claim 1.

In the outstanding Office Action, it is alleged that *Ringland* discloses a cost calculation feature that calculates a number of rolls of wallpaper needed at column 19, lines 29-33. For such a calculation feature, the cost is apparently based on the area of the walls and, hence, the room dimensions entered by the user. However, the cost of a "window treatment design component" varies from one window treatment design component to another depending on the style of each window treatment design component. Indeed, the cost of window treatment design components typically vary depending on the type of mount used, the specific fabric configuration, and other factors, and the cost of a window treatment design component occupying a given area of a room can be significantly different than the cost of another window treatment design component occupying the same room area. Thus, unlike the cost calculation for wallpaper, the room dimensions entered by the user in *Ringland* cannot be effectively used in the manner suggested by *Ringland* to provide an accurate estimate of the cost of a "window treatment design component," and one of ordinary skill in the art would be discouraged from following the teachings of *Ringland* to estimate the cost of "window treatment design components," as recited by claim 1. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 2 F.3d 551, 31 U.S.P.Q.2d 1130, 1131 (Fed. Cir. 1994).

For at least the above reasons, Applicants respectfully submit that the cited art fails to disclose each feature of claim 24. Accordingly, the 35 U.S.C. §102 rejection of claim 24 should be withdrawn.

Claims 25, 26, 28-32, 34-37, and 47-51

Claims 25, 26, 28-32, and 34-37 presently stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Ringland* in view of *Masters* (U.S. Patent No. 6,572,377), and claims 47-51 are newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 25, 26, 28-32, 34-37, and 47-51 contain all features of their respective independent claim 24. Since claim 24 should be allowed, as argued hereinabove, pending dependent claims 25, 26, 28-32, 34-37, and 47-51 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 38

Claim 38 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ringland*. Claim 38 reads as follows:

> 38. A computer-readable medium storing an executable program for assisting users in designing window treatments, comprising:
> logic for storing data defining images of a plurality of window treatment design components;
> logic for displaying a ***digital photograph of at least a building wall to be decorated***, the digital photograph depicting at least one window within the wall;
> logic for selecting, based on user input, at least one of the window treatment design components;
> ***logic for displaying, based on the selecting logic, an image of the at least one window treatment design component such that the image of the at least one window treatment design component is superimposed on the displayed photograph***;
> logic for sizing the image of the at least one window treatment design component based on a scaled dimension; and
> ***logic for calculating a cost associated with the at least one window treatment design component***, wherein the calculated cost is based on a plurality of values associated with the image of the at least one window treatment design

component, the plurality of values including a value indicative of a finished length and a value indicative of an estimated amount of fabric for a break. (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 1, Applicants respectfully assert that the cited art fails to disclose at least the features of claim 38 highlighted above. Thus, the 35 U.S.C. §102 rejection of claim 38 should be withdrawn.

Claim 39

Claim 39 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ringland*. Claim 39 reads as follows:

> 39. An interior design method for designing window treatments, comprising the steps of:
> storing data defining images of a plurality of window treatment design components;
> displaying a ***digital photograph of at least a building wall to be decorated***, the digital photograph depicting at least one window within the wall;
> selecting, based on user input, at least one of the window treatment design components;
> ***displaying, based on the selecting step, an image of the at least one window treatment design component such that the image of the at least one window treatment design component is superimposed on the displayed photograph***;
> ***calculating a cost associated with the at least one window treatment design component***, wherein the calculated cost is based on a plurality of values associated with the image of the at least one window treatment design component, the plurality of values including a value indicative of a finished length and a value indicative of an estimated amount of fabric for a break; and
> displaying the calculated cost. (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 1, Applicants respectfully assert that the cited art fails to disclose at least the features of claim 39 highlighted above. Thus, the 35 U.S.C. §102 rejection of claim 39 should be withdrawn.

Claims 40 and 42-46

Claims 40 and 42-46 presently stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Ringland* in view of *Masters*. Applicants submit that the pending dependent claims 40 and 42-46 contain all features of their respective independent claim 39. Since claim 39 should be allowed, as argued hereinabove, pending dependent claims 40 and 42-44 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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